



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL MNDC FF

Introduction

This hearing dealt with the Landlords' Application for Dispute Resolution, made on May 23, 2018 (the "Application"). The Landlords applied for the following relief pursuant to the *Residential Tenancy Act* (the "Act"):

- an order of possession;
- a monetary order for money owed or compensation for damage or loss; and
- an order granting recovery of the filing fee.

The Landlord G.S.G. attended the hearing and was accompanied by S.S., legal counsel. The Tenants attended the hearing in person. The Landlord S.G. was called as a witness on behalf of the Tenants. G.S.G. and S.G. are involved in a family law dispute, and G.S.G. no longer resides with S.G. in the family home. All parties provided affirmed testimony.

Preliminary and Procedural Matters

During the hearing, the monetary claim for legal fees was discussed. G.S.G. and his legal counsel were advised that legal fees are not recoverable in these proceedings and that this aspect of the Landlords' claim is dismissed, without leave to reapply. Counsel for the G.S.G. provided no further submissions with respect to this aspect of the claim.

Settlement

The opportunity for settlement was discussed with the parties during the hearing. The parties were advised there is no obligation to resolve the dispute through settlement, but that I could assist the parties to reach an agreement, which would be documented in my Decision.

During the hearing, the parties mutually agreed to settle this matter as follows:

1. The parties agree the tenancy will end on September 30, 2018, at 1:00 p.m.
2. The Tenants agree to vacate the rental unit on September 30, 2018, at 1:00 p.m.
3. The Landlords agree the Tenants are not obligated to pay rent when due on September 1, 2018.

This agreement was reached in accordance with section 63 of the *Act*. As the outcome was achieved through negotiation, I decline to grant recovery of the filing fee to the Landlords.

Conclusion

I order the parties to comply with the terms of the settled agreement described above.

In support of the settlement, and with the agreement of the parties, I grant the Landlords an order of possession, which will be effective on September 30, 2018, at 1:00 p.m. The order may be filed in and enforced as an order of the Supreme Court of British Columbia.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: July 20, 2018

Residential Tenancy Branch